



Crl.O.P.No.28519 of 2023

WEB COPY

Crl.O.P.No.28519 of 2023

C.V.KARTHIKEYAN, J.

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 420 of IPC read with Section 15(3) of Indian Medical Council Act in Crime No.429 of 2023 with respect to an incident which took place on 08.12.2023, seeks anticipatory bail.

2. The case of the prosecution is that the Medical Officer of Palacode Primary Health Center, Dharmapuri, had lodged a complaint that the petitioner herein, who is not all a qualified Doctor is practising Alopathy Medicine on the basis of the complaint, the respondents had conducted a search and had recovered medicine and medical equipments and medical waste at Shop No. 74/9 at Palacode Town, Dharmapuri.

3. The learned counsel for the petitioner would submit he had not provided treatment to general public and it is also contended that wrong information had been given to the defaco complainant.

4. Taking into consideration all the factors, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days



Crl.O.P.No.28519 of 2023

WEB COPY

from the date on which the order copy made ready, before the District Munsif cum Judicial Magistrate Court, Karimangalam, Dharmapuri District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., until further order.

[c] The petitioner is directed to file an affidavit before the District Munsif cum Judicial Magistrate Court, Karimangalam, Dharmapuri District, that he would never further practice allopathy medicine or give treatment to any person. The learned Judicial Magistrate may retain that particular affidavit on record.



Crl.O.P.No.28519 of 2023

WEB COPY

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

21.12.2023

vsg



WEB COPY



Crl.O.P.No.28519 of 2023

C.V.KARTHIKEYAN, J.

vsg

Crl.O.P.No.28519 of 2023

21.12.2023